

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 2:07 cr 179
	:	18 U.S.C. § 2
DONALD F. GREEN	:	18 U.S.C. § 371
(Counts 2-5, 18-32, 38-41, 60-67)	:	18 U.S.C. § 1343
SHAWN A. GRIFFIN,	:	18 U.S.C. § 1344
also known as Shawn Anthony	:	18 U.S.C. § 1957
(Counts 1-2, 8-28, 33-37, 47-55)	:	18 U.S.C. § 981(a)(1)(C)
GEORGE T. "Terry" JORDAN	:	26 U.S.C. § 7201
(Counts 1, 8-17, 33-37, 42-46)	:	28 U.S.C. § 2461
ARYEH M. SCHOTTENSTEIN	:	
(Counts 2, 18-28, 56-59, 68)	:	JUDGE MARBLEY
JEFFREY M. LIEBERMAN	:	
(Counts 2, 18-28, 56-59, 68)	:	
DWAYNE L. CARTER	:	
(Counts 1, 8-17, 33-37)	:	
JONATHAN L. BOYD	:	
(Counts 3, 6-7, 29-32, 38-41)	:	
JAMES DARNEIL GAITHER	:	
(Counts 3, 29-32, 38-41)	:	
KENYATTA JOHNSON	:	
(Counts 1, 8-17, 33-37)	:	

INDICTMENT

The Grand Jury charges:

COUNT 1

A. From on or about August 1, 2002, and continuing thereafter until on or about November 1, 2003, in the Southern District of Ohio, the defendants, SHAWN A. GRIFFIN, also known as Shawn Anthony, GEORGE T. "Terry" JORDAN, DWAYNE L. CARTER and KENYATTA JOHNSON, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, knowingly and willfully conspired and agreed

together and with each other to commit offenses against the United States, to wit, **(a)** to knowingly execute or attempt to execute a scheme to defraud federally insured financial institutions with the intent to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of such institution by means of false and fraudulent pretenses and representations in violation of Title 18, United States Code, Section 1344, and **(b)** to unlawfully, willfully and knowingly devise and intend to devise a scheme and artifice to defraud individual and organizational investors and, in so doing, to cause to be transmitted by means of wire communication in interstate commerce transfers of funds for the purpose of executing said scheme or artifice in violation of Title 18, United States Code, Section 1343.

THE CONSPIRACY AND ITS OBJECTS

B. It was the object of the conspiracy among and between the aforesaid defendants, SHAWN A. GRIFFIN, GEORGE T. “Terry” JORDAN, DWAYNE L. CARTER and KENYATTA JOHNSON, (a) to exaggerate the value of real estate properties in and around Columbus, Ohio, both to lending institutions and to prospective purchasers who had been recruited largely because of their relative ignorance regarding real estate business and investment practices and (b) to misrepresent, typically with fraudulent documents, the credit worthiness of those purchasers to the lending institutions in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties; the ultimate purposes of such exaggerations and misrepresentations, as aforesaid, being to enable these defendants to defraud the financial institutions involved and to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of those financial institutions, and to cause to be transmitted by means of wire communication in interstate commerce transfers of

funds.

MANNER AND MEANS OF THE CONSPIRACY

C. The manner and means of the conspiracy was as follows:

1. Defendant SHAWN A. GRIFFIN would promote himself as a knowledgeable and successful investor, renovator and manager in the Central Ohio real estate market;

2. Defendants SHAWN A. GRIFFIN and GEORGE T. “Terry” JORDAN would identify real estate and prospective purchasers and investors therefor;

3. Defendants SHAWN A. GRIFFIN, GEORGE T. “Terry” JORDAN and DWAYNE L. CARTER would arrange for and use exaggerated and excessive real estate appraisals in order to convince both prospective purchasers and the lending institutions as to the exaggerated worth of the properties involved;

4. Defendants SHAWN A. GRIFFIN, GEORGE T. “Terry” JORDAN and DWAYNE L. CARTER, a loan officer for a mortgage company, would misrepresent, typically with fraudulent documents, the credit worthiness of those purchasers to the lending institutions in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties;

5. Defendant SHAWN A. GRIFFIN would represent to prospective purchasers that (a) no down payment would be required of them and (b) they would actually receive funds at closing;

6. Defendant DWAYNE L. CARTER would and did develop a business relationship with Defendant KENYATTA JOHNSON of ABN AMRO in order to facilitate the illegal purposes of the conspiracy;

7. Defendant SHAWN A. GRIFFIN would represent to the purchasers that he would be responsible for (a) monthly payments on real estate loans and (b) renovations on and to the purchasers' properties and, consistent therewith, would and did receive from the proceeds of the mortgage loans substantial funds purportedly for those purposes;

8. Defendants SHAWN A. GRIFFIN and GEORGE T. "Terry" JORDAN would and did receive substantial monies directly from the proceeds of the mortgage loans, and Defendants DWAYNE L. CARTER and KENYATTA JOHNSON would and did promote and advance their business interests by and through their participation in this conspiracy, as aforesaid; whereas,

9. Defendants SHAWN A. GRIFFIN, GEORGE T. "Terry" JORDAN, DWAYNE L. CARTER and KENYATTA JOHNSON would and did leave the properties in substantially unimproved condition and the excessive debts created through those mortgage loans as the sole responsibility of the purchasers who had been recruited.

OVERT ACTS

D. In furtherance of the conspiracy and to effect the objects of the conspiracy, the conspirators (defendants herein) committed and caused to be committed the following overt acts, among others, in the Southern District of Ohio and elsewhere:

(1) On or about August 30, 2002, \$69,062.21 was wired from Interfirst Bank in Michigan to Esquire Title Company in Columbus, Ohio.

(2) On or about November 12, 2002, \$82,431.09 was wired from Interfirst Bank in Michigan to Esquire Title Company in Columbus, Ohio.

(3) On or about November 14, 2002, in connection with a real estate transaction involving property located at 832 N. St. Clair Ave., a check in the amount of \$53,396.00, was made payable to “Terry Jordan.”

(4) On or about November 26, 2002, \$82,115.61 was wired from Interfirst Bank in Michigan to By Owner Title Company in Columbus, Ohio.

(5) On or about December 17, 2002, in connection with a real estate transaction involving property located at 452 Garfield Ave., a check in the amount of \$35,088.00, was made payable to “G. Terry Jordan.”

(6) On or about January 28, 2003, in connection with a real estate transaction involving property located at 726 S. Champion Ave., a check in the amount of \$29,880.54, was made payable to “Terry Jordan.”

(7) On or about February 27, 2003, \$243,057.02 was wired from Interfirst Bank in Michigan to New Horizon Title Company in Columbus, Ohio.

(8) On or about February 28, 2003, in connection with a real estate transaction involving property located at 970 S. Front St., a check was in the amount of \$86,235.92 was made payable to “Terry Jordan or CIG.”

(9) On or about March 10, 2003, \$136,872.08 was wired from Interfirst Bank in Michigan to Chicago Title Company in Columbus, Ohio.

(10) On or about April 16, 2003, in connection with a real estate transaction involving property located at 665 S. 22nd St., a check in the amount of \$33,729.00, was made payable to “Terry Jordan or CIG.”

(11) On or about April 18, 2003, \$72,536.40 was wired from Interfirst Bank in Michigan to By Owner in Columbus, Ohio.

(12) On or about May 8, 2003, \$82,235.17 was wired from Interfirst Bank in Michigan to Esquire Title Company in Columbus, Ohio.

(13) On or about May 9, 2003, in connection with a real estate transaction involving property located at 672 S. 22nd St., a check in the amount of \$32,461.09, was made payable to “Terry Jordan or CIG.”

(14) On or about May 13, 2003, in connection with a real estate transaction involving property located at 53 Barthman Ave., GEORGE T. “Terry” JORDAN wrote a check in the amount of \$25,999.00 payable to SHAWN A. GRIFFIN.

(15) On or about July 24, 2003, in connection with a real estate transaction involving property located at 992 S. 22nd St., GEORGE T. “Terry” JORDAN wrote a check in the amount of \$66,000.00 payable to SHAWN A. GRIFFIN.

(16) On or about October 17, 2003, in connection with a real estate transaction involving property located at 1580 E. Fourth Ave., GEORGE T. “Terry” JORDAN wrote a check in the amount of \$11,000.00 payable to SHAWN A. GRIFFIN.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

A. From on or about January 1, 2004, and continuing thereafter until on or about December 31, 2005, in the Southern District of Ohio, and elsewhere, the defendants, DONALD F. GREEN, SHAWN A. GRIFFIN, also known as Shawn Anthony, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, knowingly and willfully conspired and agreed together and with each other to commit an offense against the United States, to wit, to unlawfully, willfully and knowingly devise and intend to devise a scheme and artifice to defraud individual and organizational investors and, in so doing, to cause to be transmitted by means of wire communication in interstate commerce transfers of funds for the purpose of executing said scheme or artifice in violation of Title 18, United States Code, Section 1343.

THE CONSPIRACY AND ITS OBJECTS

B. It was the object of the conspiracy among and between the aforesaid defendants, DONALD F. GREEN, SHAWN A. GRIFFIN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN to hold themselves out as knowledgeable and respectable investors, renovators, managers and appraisers in the Ohio real estate market, and to exaggerate the value of certain real estate properties in Ohio to individual and organizational investors from other States who otherwise possessed little knowledge about the real estate business in Ohio in order that these defendants could defraud those individual and organizational investors through their receipt of interstate transfers of funds by wire.

MANNER AND MEANS OF THE CONSPIRACY

C. The manner and means of the conspiracy was as follows:

1. Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN, operating a business known as “Parkview Investors Banc,” and ARYEH M. SCHOTTENSTEIN operating a business known as “Homeside Banc, Inc.,” would promote themselves as knowledgeable, respectable and successful investors, renovators, managers and appraisers of the Ohio real estate market;

2. Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would meet with and persuade prospective individual and organizational investors interested in the Ohio real estate market to finance renovations and sales of homes in neighborhoods defendants would identify;

3. Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would explain that such renovations and subsequent sales typically could and would be completed within a 90-day time period in return for which investors would receive full return of their invested funds on each property plus a 15% (annualized) return, which would increase to 17% if more than the expected 90 days were required;

4. Defendants DONALD F. GREEN and SHAWN A. GRIFFIN would identify real estate for those investors;

5. Defendant JEFFREY M. LIEBERMAN would represent to those investors that independent real estate appraisals would be provided;

6. Defendants DONALD F. GREEN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN and others would arrange for and use exaggerated and excessive real estate appraisals that typically were not carried out independently and also not carried out timely in order to justify to investors the exaggerated worth of the properties involved;

7. Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would prepare such exaggerated and excessive appraisals well knowing (a) that they were not independently done, (b) that they did not represent the approximate true values of those properties at the respective times of those appraisals and (c) that they typically had been prepared after-the-fact;

8. Defendant SHAWN A. GRIFFIN would represent to the investors that he would be responsible for renovations on and to the identified properties and, consistent therewith, would and did receive substantial portions of the funds wired interstate to the Southern District of Ohio purportedly for the purpose of financing those renovations;

9. Defendants DONALD F. GREEN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would and did receive substantial monies directly from funds that had been wired interstate to the Southern District of Ohio from the investors for the purpose of renovating the real estate identified by defendants for such investment purposes; whereas,

10. Defendants DONALD F. GREEN, SHAWN A. GRIFFIN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would and did largely (a) fail to employ the funds wired to them for renovation purposes and (b) fail to renovate the properties; and

11. Defendants DONALD F. GREEN, SHAWN A. GRIFFIN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would and did sell the properties to otherwise uninvolved “straw purchasers,” typically recruited by SHAWN A. GRIFFIN, and then would and did leave the properties in substantially unimproved condition as the sole responsibility of such straw purchasers; and

12. Defendants DONALD F. GREEN, SHAWN A. GRIFFIN, ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN would and did fail to provide the investors who had been recruited with either a return of the principal that had been provided or the 15% or 17% return on their investments that had been promised.

OVERT ACTS

D. In furtherance of the conspiracy and to effect the objects of the conspiracy, the conspirators (defendants herein) committed and caused to be committed the following overt acts, among others, in the Southern District of Ohio and elsewhere:

(1) On or about February 23, 2004, \$1,076, 070.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(2) On or about February 25, 2004, Buckeye First Title Company transferred by wire the amount of \$100,000.00 to SHAWN A. GRIFFIN.

(3) On or about February 26, 2004, Buckeye First Title Company transferred by wire the amount of \$115,500.00 to Parkview Investors Banc.

(4) On or about March 5, 2004, \$108,500.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(5) On or about March 5, 2004, \$42,000.00 was transferred by wire from New York to

Buckeye First Title Company, Columbus, Ohio.

(6) On or about March 11, 2004, \$63,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(7) On or about March 11, 2004, \$318,500.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(8) On or about March 11, 2004, Buckeye First Title Company transferred by wire the amount of \$18,999.00 to SHAWN A. GRIFFIN.

(9) On or about March 11, 2004, Buckeye First Title Company transferred by wire the amount of \$18,855.50 to SHAWN A. GRIFFIN.

(10) On or about March 15, 2004, Buckeye First Title Company transferred by wire the amount of \$60,786.58 to SHAWN A. GRIFFIN.

(11) On or about March 25, 2004, Buckeye First Title Company transferred by wire the amount of \$17,205.79 to SHAWN A. GRIFFIN.

(12) On or about March 26, 2004, \$224,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(13) On or about March 28, 2004, Buckeye First Title Company issued a check in the amount of \$56,488.50 to DONALD F. GREEN as a purported consulting fee.

(14) On or about March 29, 2004, Buckeye First Title Company issued a check in the amount of \$59,000.00 to DONALD F. GREEN as a purported consulting fee.

(15) On or about March 30, 2004, Buckeye First Title Company transferred by wire the amount of \$51,490.08 to SHAWN A. GRIFFIN.

(16) On or about April 5, 2004, \$297,500.00 was transferred by wire from New York to

Buckeye First Title Company, Columbus, Ohio.

(17) On or about April 5, 2004, Buckeye First Title Company transferred by wire the amount of \$19,322.50 to SHAWN A. GRIFFIN.

(18) On or about April 6, 2004, Buckeye First Title Company transferred by wire the amount of \$21,451.24 to SHAWN A. GRIFFIN.

(19) On or about April 6, 2004, Buckeye First Title Company transferred by wire the amount of \$16,611.30 to SHAWN A. GRIFFIN.

(20) On or about April 9, 2004, \$140,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(21) On or about April 12, 2004, Buckeye First Title Company transferred by wire the amount of \$30,339.19 to SHAWN A. GRIFFIN.

(22) On or about April 21, 2004, \$203,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(23) On or about April 21, 2004, Buckeye First Title Company issued a check in the amount of \$39,000.00 to DONALD F. GREEN as a purported consulting fee.

(24) On or about April 23, 2004, Buckeye First Title Company transferred by wire the amount of \$28,328.66 to SHAWN A. GRIFFIN.

(25) On or about April 23, 2004, Buckeye First Title Company transferred by wire the amount of \$27,500.00 to Parkview Investors Banc.

(26) On or about April 30, 2004, Buckeye First Title Company issued a check in the amount of \$10,236.00 to DONALD F. GREEN as a purported consulting fee.

(27) On or about May 11, 2004, \$227,500.00 was transferred by wire from New York

to

Buckeye First Title Company, Columbus, Ohio.

(28) On or about May 12, 2004, Buckeye First Title Company transferred by wire the amount of \$40,355.81 to SHAWN A. GRIFFIN.

(29) On or about May 12, 2004, Buckeye First Title Company transferred by wire the amount of \$22,000.00 to Parkview Investors Banc.

(30) On or about May 13, 2004, \$101,500.00 was transferred by wire from New York to

Buckeye First Title Company, Columbus, Ohio.

(31) On or about May 14, 2004, \$98,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(32) On or about May 17, 2004, Buckeye First Title Company transferred by wire the amount of \$26,411.66 to SHAWN A. GRIFFIN.

(33) On or about May 17, 2004, Buckeye First Title Company transferred by wire the amount of \$22,000.00 to Parkview Investors Banc.

(34) On or about May 20, 2004, \$266,000.00 was transferred by wire from New York to Buckeye First Title Company, Columbus, Ohio.

(35) On or about May 20, 2004, Buckeye First Title Company issued a check in the amount of \$46,229.00 to DONALD F. GREEN as a purported consulting fee.

(36) On or about May 25, 2004, Buckeye First Title Company transferred by wire the amount of \$33,000.00 to Parkview Investors Banc.

(37) On or about May 28, 2004, \$164,500.00 was transferred by wire from New York

to Buckeye First Title Company, Columbus, Ohio.

(38) On or about May 28, 2004, Buckeye First Title Company issued a check in the amount of \$15,532.50 to DONALD F. GREEN as a purported consulting fee.

(39) On or about May 28, 2004, Buckeye First Title Company issued a check in the amount of \$24,647.00 to DONALD F. GREEN as a purported consulting fee.

(40) On or about June 7, 2004, Buckeye First Title Company transferred by wire the amount of \$11,000.00 to Parkview Investors Banc.

(41) On or about October 19, 2004, Parmjit Parmar transferred by wire from New York the amount of \$1,500,000.00 to Parkview Investors Banc.

(42) On or about November 24, 2004, Parmjit Parmar transferred by wire from New York the amount of \$400,000.00 to Homeside Banc, Inc., a business operated by ARYEH M. SCHOTTENSTEIN.

(43) On or about December 7, 2004, Clear Title Solutions transferred by wire the amount of \$190,483.81 in two separate transfers: \$52,324.35 into a bank account designated Homeside Banc, Inc., an account established and used by ARYEH M. SCHOTTENSTEIN, and \$138,159.46 into a bank account designated LES Investments, which was an account established and used by SHAWN A. GRIFFIN, also known as Shawn Anthony.

(44) On or about December 9, 2004, funds totaling \$55,249.75 were wired in three separate transfers into a bank account designated LES Investments, an account established and used by SHAWN A. GRIFFIN.

(45) On or about January 31, 2005, Palladium Lending Group wired funds in the total amount of \$297,500.00 to Clear Title Solutions.

(46) On or about January 31, 2005, Clear Title Solutions transferred by wire the amount of \$94,414.86 into a bank account designated LES Investments, an account established and used by SHAWN A. GRIFFIN.

(47) On or about July 20, 2005, Palladium Lending Group wired funds in the total amount of \$96,600.00 to Clear Title Solutions.

(48) On or about July 22, 2005, Clear Title Solutions transferred by wire the amount of \$18,844.09 into a bank account designated LES Investments, an account established and used by SHAWN A. GRIFFIN.

(49) On or about July 22, 2005, Clear Title Solutions transferred by wire the amount of \$11,000.00 into a bank account designated Homeside Banc, Inc., an account established and used by ARYEH M. SCHOTTENSTEIN.

(50) On or about July 29, 2005, Palladium Lending Group wired funds in the total amount of \$719,600.00 to Clear Title Solutions.

(51) On or about August 1, 2005, Clear Title Solutions transferred funds totaling \$216,915.71 in two separate wire transfers into a bank account designated LES Investments, an account established and used by SHAWN A. GRIFFIN.

(52) On or about August 1, 2005, Clear Title Solutions transferred by wire the amount of \$82,000.00 into a bank account designated Homeside Banc, Inc., an account established and used by ARYEH M. SCHOTTENSTEIN.

All in violation of Title 18, United States Code, Section 371.

COUNT 3

A. From on or about January 1, 2003, and continuing thereafter until on or about May 31, 2004, in the Southern District of Ohio and elsewhere, the defendants, DONALD F. GREEN, JONATHAN L. BOYD and JAMES DARNEIL GAITHER, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, knowingly and willfully conspired and agreed together and with each other to commit an offense against the United States, to wit, **(a)** to knowingly execute or attempt to execute a scheme to defraud federally insured financial institutions with the intent to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of such institution by means of false and fraudulent pretenses and representations in violation of Title 18, United States Code, Section 1344, and **(b)** to unlawfully, willfully and knowingly devise and intend to devise a scheme and artifice to defraud individual and organizational investors and, in so doing, to cause to be transmitted by means of wire communication in interstate commerce transfers of funds for the purpose of executing said scheme or artifice in violation of Title 18, United States Code, Section 1343.

THE CONSPIRACY AND ITS OBJECTS

B. It was the object of the conspiracy among and between the aforesaid defendants, DONALD F. GREEN, JONATHAN L. BOYD and JAMES DARNEIL GAITHER, **(a)** to exaggerate the value of real estate properties in and around Columbus, Ohio, both to lending institutions and to prospective purchasers who had been recruited largely because of their relative ignorance regarding real estate business and investment practices and **(b)** to misrepresent, typically with fraudulent documents, the credit worthiness of those purchasers to

the lending institutions in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties; the ultimate purposes of such exaggerations and misrepresentations, as aforesaid, being to enable these defendants to defraud the financial institutions involved and to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of those financial institutions.

MANNER AND MEANS OF THE CONSPIRACY

C. The manner and means of the conspiracy was as follows:

1. Defendant JONATHAN L. BOYD would promote himself as a knowledgeable and successful investor and manager in the Central Ohio real estate market;
2. Defendant JONATHAN L. BOYD would recruit prospective purchasers and investors who were relatively ignorant regarding real estate business and investment practices;
3. Defendant DONALD F. GREEN would identify real estate for those prospective purchasers and investors;
4. Defendant JONATHAN L. BOYD would arrange for and use exaggerated and excessive real estate appraisals in order to convince both prospective purchasers and investors as well as lending institutions as to the exaggerated worth of the properties involved;
5. Defendant JAMES DARNEIL GAITHER typically would prepare such exaggerated and excessive appraisals well knowing that they did not represent the approximate true values of those properties at the respective times of those appraisals;
6. Defendant JONATHAN L. BOYD would misrepresent, typically with fraudulent documents, the credit worthiness of those purchasers to the lending institutions in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties;

7. Defendants DONALD F. GREEN and JONATHAN L. BOYD would and did receive substantial monies directly and indirectly from the proceeds of the mortgage loans which monies were largely concealed from the purchasers and investors as well as the involved financial institutions; whereas,

8. Defendants DONALD F. GREEN, JONATHAN L. BOYD and JAMES DARNEIL GAITHER would and did leave the properties and the excessive debts created through those exaggerated mortgage loans as the sole responsibility of the purchasers and investors who had been recruited.

OVERT ACTS

D. In furtherance of the conspiracy and to effect the objects of the conspiracy, the conspirators (defendants herein) committed and caused to be committed the following overt acts, among others, in the Southern District of Ohio and elsewhere:

(1) On or about May 7, 2003, in conjunction with a transaction involving real estate located at 788 Gilbert Street, Columbus, Ohio, a wire transfer to Stewart Title Company in the amount of \$77,810.82 was made.

(2) On or about May 13, 2003, Stewart Title Company issued a check in the amount of \$33,879.27 payable to DONALD F. GREEN.

(3) On or about July 31, 2003, in conjunction with a transaction involving real estate located at 1590 Aberdeen Ave., Columbus, Ohio, a wire transfer to Arlington Title Company in the amount of \$61,152.50 was made.

(4) On or about July 31, 2003, Arlington Title Company issued a check in the amount of \$30,674.35 payable to DONALD F. GREEN.

(5) On or about August 19, 2003, Arlington Title Company issued a check in the amount of \$61,608.52 payable to DONALD F. GREEN.

(6) On or about August 21, 2003, in conjunction with a transaction involving real estate located at 239 S. Warren Ave., Columbus, Ohio, a wire transfer to Arlington Title Company in the amount of \$58,620.59 was made.

(7) On or about October 7, 2003, Arlington Title Company issued a check in the amount of \$22,432.27 payable to DONALD F. GREEN.

(8) On or about October 30, 2003, in conjunction with a transaction involving real estate located at 1345 Sullivant Ave., Columbus, Ohio, a wire transfer to Stewart Title Company in the amount of \$50,760.40 was made.

(9) On or about October 30, 2003, in conjunction with a transaction involving real estate located at 1262 Atcheson St., Columbus, Ohio, a wire transfer to Stewart Title Company in the amount of \$62,351.23 was made.

(10) On or about January 11, 2004, in conjunction with a transaction involving real estate located at 189 N. Ohio Ave., a wire transfer to Stewart Title Company in the amount of \$63,167.18 was made.

(11) On or about January 27, 2004, Stewart Title Company issued a check in the amount of \$59,003.89 payable to DONALD F. GREEN.

(12) On or about January 27, 2004, Stewart Title Company issued a check in the amount of \$35,575.96 payable to DONALD F. GREEN.

All in violation of Title 18, United States Code, Section 371.

COUNT 4

On or about the 14th day of April, 2004, in the Southern District of Ohio, DONALD F. GREEN, a resident of Columbus, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2003, by filing and causing to be filed with the Internal Revenue Service a false and fraudulent joint U.S. Individual Income Tax Return, Form 1040, that the said DONALD F. GREEN had prepared and caused to be prepared, and had signed and caused to be signed, wherein he stated that his adjusted gross income for that calendar year was \$457,272.00, in important part by falsely exaggerating his business' real estate renovation expenses, whereas in truth and fact as the said DONALD F. GREEN well knew and believed, his adjusted gross income for 2003 was \$1,121,744.00 upon which was due and owing an additional federal income tax of \$100,333.00.

In violation of Title 26, United States Code, Section 7201.

COUNT 5

On or about the 15th day of April, 2005, in the Southern District of Ohio, DONALD F. GREEN, a resident of Columbus, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2004, by filing and causing to be filed with the Internal Revenue Service a false and fraudulent joint U.S. Individual Income Tax Return, Form 1040, that the said DONALD F. GREEN had prepared and caused to be prepared, and had signed and caused to be signed, wherein he stated that his adjusted gross income for that calendar year was \$499,231.00, in important part by falsely exaggerating his business' real estate renovation expenses, whereas in truth and fact as the said DONALD F. GREEN well knew and believed, his adjusted gross income for 2004 was

\$926,329.00, which also included \$233,967.00 in unreported purported “consulting fees,” upon which true adjusted gross income was due and owing an additional federal income tax of \$130,043.00.

In violation of Title 26, United States Code, Section 7201.

COUNT 6

A. The Grand Jury hereby re-alleges and repeats all eight paragraphs of the manner and means of the conspiracy set forth above in Count 3 of this Indictment as if fully set forth here.

B. On or about the 15th day of April, 2004, in the Southern District of Ohio, JONATHAN L. BOYD, a resident of Columbus, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2003, by failing to file with the Internal Revenue Service a timely Income Tax Return and failing to pay federal income taxes for 2003, whereas the said JONATHAN L. BOYD had received gross income in the amount of \$711,183.00 for that calendar year through his employment with SummerTyme Mortgage, Inc., as well as the activity mentioned in paragraph A of this Count, and had income taxes thereon due and owing to the United States of America for 2003 in the amount of \$142,236.00.

In violation of Title 26, United States Code, Section 7201.

COUNT 7

A. The Grand Jury hereby re-alleges and repeats all eight paragraphs of the manner and means of the conspiracy set forth above in Count 3 of this Indictment as if fully set forth here.

B. On or about the 15th day of April, 2005, in the Southern District of Ohio, JONATHAN L. BOYD, a resident of Columbus, Ohio, did willfully attempt to evade and defeat the income taxes due and owing by him to the United States of America for the calendar year 2004, by failing to file with the Internal Revenue Service a timely Income Tax Return and failing to pay federal income taxes for 2004, whereas the said JONATHAN L. BOYD had received gross income in the amount of \$348,590.00 for that calendar year through his employment with SummerTyme Mortgage, Inc., as well as the activity mentioned in paragraph A of this Count, and had income taxes thereon due and owing to the United States of America for 2004 in the amount of \$69,718.00.

In violation of Title 26, United States Code, Section 7201.

COUNTS 8 through 17

A. From on or about August 1, 2002, and continuing thereafter until on or about November 1, 2003, in the Southern District of Ohio, the defendants, SHAWN A. GRIFFIN, also known as Shawn Anthony, GEORGE T. “Terry” JORDAN, DWAYNE L. CARTER, and KENYATTA JOHNSON, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, unlawfully and knowingly devised and intended to devise a scheme and artifice to defraud Interfirst Bank and ABN AMRO and others, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

B. It was part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did exaggerate the value of real estate properties in and around Columbus, Ohio, both to lending institutions and to prospective purchasers who had been recruited largely because of their relative ignorance regarding real estate business and investment practices.

C. It was a further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did misrepresent, typically with fraudulent documents, the credit worthiness of the prospective purchasers referenced above in paragraph B to the lending institution involved in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties.

D. In furtherance of the aforesaid scheme and artifice to defraud, and in order to

effect its object, and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, in connection with real estate transactions involving each Columbus, Ohio, address listed for each count, respectively, on or about each date listed for each count below the defendants transmitted or caused to be transmitted by means of wire in interstate commerce, writings, signs or signals in the nature of moneys or funds sent from the State of Michigan to the State of Ohio for the ultimate purpose of executing the scheme and artifice to defraud:

<u>COUNT</u>	<u>STREET ADDRESS</u>	<u>DATE OF WIRE</u>	<u>AMOUNT WIRED</u>	<u>TITLE CO. INVOLVED</u>
8	165 N. 21st St.	08/30/02	\$ 69,062.21	Esquire
9	726 S. Champion Ave.	01/28/03	101,301.59	Esquire
10	970 S. Front St.	02/27/03	243,140.71	New Horizon
11	538 Berkeley Rd.	03/10/03	136,872.08	Chicago
12	665 S. 22nd St.	04/14/03	81,364.86	Esquire
13	672 S. 22nd St.	05/08/03	82,268.06	Esquire
14	1760 Sixth St.	06/16/03	64,123.88	American
15	992 S. 22nd St.	07/23/03	67,466.85	Supreme
16	68 N. Eureka Ave.	09/30/03	87,830.16	Esquire
17	1580 E. Fourth Ave.	10/16/03	67,522.44	Esquire

Each in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 18 through 28

A. From on or about January 1, 2004, and continuing thereafter until on or about December 31, 2005, in the Southern District of Ohio, and elsewhere, the defendants, DONALD F. GREEN, SHAWN A. GRIFFIN, also known as Shawn Anthony, ARYEH M. SCHOTTENSTEIN, JEFFREY M. LIEBERMAN and, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, unlawfully and knowingly devised and intended to devise a scheme and artifice to defraud the Stillwater Investments Group and other organizational investors, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

B. It was part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did hold themselves out as knowledgeable and respectable investors, renovators, managers and appraisers in the Ohio real estate market.

C. It was a further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did exaggerate the value of certain real estate properties in Ohio to Stillwater Investments Group and organizational investors from other States who otherwise possessed little knowledge about the real estate business in Ohio in order that these defendants could defraud those individual and organizational investors through their receipt of interstate transfers of funds by wire.

D. In furtherance of the aforesaid scheme and artifice to defraud, and in order to

effect its object, and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, on or about each date listed in each count below the defendants transmitted or caused to be transmitted by means of wire in interstate commerce, writings, signs or signals in the nature of moneys or funds sent from the State of New York to the State of Ohio for the ultimate purpose of executing the scheme and artifice to defraud:

<u>COUNT</u>	<u>DATE OF WIRE</u>	<u>AMOUNT WIRED</u>
18	02/23/04	\$ 1,076,070.00
19	02/24/04	28,000.00
20	03/05/04	108,500.00
21	03/11/04	318,500.00
22	03/26/04	224,000.00
23	04/05/04	297,500.00
24	04/09/04	140,000.00
25	04/21/04	203,000.00
26	05/11/04	227,500.00
27	05/20/04	266,000.00
28	05/28/04	164,500.00

Each in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 29 through 32

A. From on or about January 1, 2003, and continuing thereafter until on or about May 31, 2004, in the Southern District of Ohio and elsewhere, the defendants, DONALD F. GREEN, JONATHAN BOYD and JAMES DARNEIL GAITHER, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, unlawfully, willfully and knowingly devised and intended to devise a scheme and artifice to defraud various financial institutions and individuals, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

B. It was part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did exaggerate the value of real estate properties in and around Columbus, Ohio, and elsewhere both to lending institutions and to prospective purchasers who had been recruited largely because of their relative ignorance regarding real estate business and investment practices.

C. It was a further part of the scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses, representations and promises that the defendants would and did misrepresent, typically with fraudulent documents, the credit worthiness of the prospective purchasers referenced above in paragraph B to the lending institution involved in order to assist in achieving approval of excessive mortgage loans secured by the inflated-value properties.

D. In furtherance of the aforesaid scheme and artifice to defraud, and in order to effect its object, and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, in connection with real estate transactions involving each Columbus, Ohio, address listed for each count, respectively, on or about each date listed for each count below the defendants transmitted or caused to be transmitted by means of wire in interstate commerce, writings, signs or signals in the nature of moneys or funds sent from the State of Michigan to the State of Ohio for the ultimate purpose of executing the scheme and artifice to defraud:

<u>COUNT</u>	<u>STREET ADDRESS</u>	<u>DATE OF WIRE</u>	<u>AMOUNT WIRED</u>	<u>TITLE CO. INVOLVED</u>
29	788 Gilbert St.	05/07/03	\$ 77,810.82	Stewart
30	35 S. Richardson Ave.	05/13/03	\$ 76,243.50	Stewart
31	1590 Aberdeen Ave.	07/31/03	\$ 61,152.55	Arlington
32	228 E. Hinman Ave.	08/19/03	\$ 60,878.05	Arlington

Each in violation of Title 18, United States Code, Sections 1343 and 2.

COUNTS 33 through 37

A. The Grand Jury hereby re-alleges and repeats in their entirety paragraphs designated A, B and C of Counts of this Indictment labeled "COUNTS 8 through 17" as if fully set forth here.

B. In furtherance of the aforesaid scheme and artifice to defraud, and in order to effect its object, and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, on or about each date listed in each count below, the defendants, SHAWN A. GRIFFIN, also known as Shawn Anthony, GEORGE T. "Terry" JORDAN, DWAYNE L. CARTER, and KENYATTA JOHNSON, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, knowingly executed and attempted to execute a scheme to defraud Interfirst Bank, a federally insured financial institution which is an affiliate of ABN AMRO, with the intent to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of Interfirst Bank in the amount listed for each count, respectively, by means of false and fraudulent pretenses and representations relative to a transaction involving Columbus, Ohio, real estate at each indicated address:

<u>COUNT</u>	<u>STREET ADDRESS</u>	<u>DATE</u>	<u>AMOUNT</u>
33	832 N. St. Clair Ave.	08/30/02	\$ 80,750.00
34	2682 E. Sixth Ave.	11/26/02	80,750.00
35	452 Garfield Ave.	12/13/02	80,750.00
36	978 S. Front St.	02/27/03	248,000.00
37	53 Barthman Ave.	05/08/03	80,750.00

Each in violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS 38 through 41

A. The Grand Jury hereby re-alleges and repeats in their entirety paragraphs designated A, B and C of Counts of this Indictment labeled "COUNTS 29 through 32" as if fully set forth here.

B. In furtherance of the aforesaid scheme and artifice to defraud, and in order to effect its object, and for the purpose of obtaining money and property by means of false and fraudulent pretenses, representations and promises, on or about each date listed in each count below, the defendants, DONALD F. GREEN, JONATHAN BOYD and JAMES DARNEIL GAITHER, together with diverse other persons both known and unknown to the Grand Jury but not charged in this Indictment, knowingly executed and attempted to execute a scheme to defraud each of the federally insured financial institutions set forth for each count, respectively, with the intent to obtain money, funds, credits, assets, securities or other property owned by, or under the custody or control of each such institution in the amount listed for each count by means of false and fraudulent pretenses and representations relative to a transaction involving Columbus, Ohio, real estate at each indicated address:

<u>COUNT</u>	<u>STREET ADDRESS</u>	<u>DATE</u>	<u>AMOUNT</u>	<u>INSTITUTION</u>
38	813 Carpenter St.	07/31/03	\$ 67,500.00	Option One Mortgage
39	239 S. Warren Ave.	08/21/03	58,500.00	Aames Home Loan
40	1262 Atcheson St.	10/30/03	63,000.00	Argent Mortgage Co.
41	189 N. Ohio Ave.	01/11/04	63,650.00	First Guaranty Mortgage

Each in violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS 42 through 46

On or about the dates set forth below in the Southern District of Ohio, Defendant GEORGE T. “Terry” JORDAN did knowingly engage and attempt to engage in the following monetary transactions by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the receipt or deposit of monetary instruments, such property having been derived from specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343, and bank fraud in violation of Title 18, United States Code, Section 1344:

<u>COUNT</u>	<u>DATE</u>	<u>MONETARY TRANSACTION</u>
42	02/28/03	Receipt of check for \$ 86,235.92
43	02/28/03	Receipt of check for \$104,235.92
44	03/12/03	Receipt of check for \$ 55,000.00
45	05/09/03	Receipt of check for \$ 21,488.64
46	10/02/03	Receipt of check for \$ 30,298.18

Each in violation of Title 18, United States Code, Section 1957 and 2.

COUNTS 47 through 55

On or about the dates set forth below in the Southern District of Ohio, Defendant SHAWN A. GRIFFIN, also known as Shawn Anthony, did knowingly engage and attempt to engage in the following monetary transactions by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the receipt or deposit of monetary instruments and the receipt of wire transfers of funds, such property having been derived from specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343, and bank fraud in violation of Title 18, United States Code, Section 1344:

<u>COUNT</u>	<u>DATE</u>	<u>MONETARY TRANSACTION</u>
47	03/05/03	Receipt of check for \$125,000.00
48	04/16/03	Receipt of check for \$ 21,000.00
49	05/13/03	Receipt of check for \$ 25,999.00
50	07/24/03	Receipt of check for \$ 66,000.00
51	02/25/04	Receipt of \$100,000.00 wire transfer
52	03/15/04	Receipt of \$60,786.58 wire transfer
53	03/30/04	Receipt of \$51,490.08 wire transfer
54	04/23/04	Receipt of \$28,328.66 wire transfer
55	05/17/04	Receipt of \$26,411.66 wire transfer

Each in violation of Title 18, United States Code, Section 1957 and 2.

COUNTS 56 through 59

On or about the dates set forth below in the Southern District of Ohio, Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN, operating as Parkview Investors Banc, did knowingly engage and attempt to engage in the following monetary transactions by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the receipt of wire transfers of funds, such property having been derived from specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343:

<u>COUNT</u>	<u>DATE</u>	<u>MONETARY TRANSACTION</u>
56	02/26/04	Receipt of \$115,500.00 wire transfer
57	04/23/04	Receipt of \$27,500.00 wire transfer
58	05/25/04	Receipt of \$33,000.00 wire transfer
59	06/07/04	Receipt of \$11,000.00 wire transfer

Each in violation of Title 18, United States Code, Section 1957 and 2.

COUNTS 60 through 66

On or about the dates set forth below in the Southern District of Ohio, Defendant DONALD F. GREEN did knowingly engage and attempt to engage in the following monetary transactions by, through or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is, the receipt or deposit of monetary instruments, such property having been derived from specified unlawful activity, that is, wire fraud in violation of Title 18, United States Code, Section 1343, and bank fraud in violation of Title 18, United States Code, Section 1344:

<u>COUNT</u>	<u>DATE</u>	<u>MONETARY TRANSACTION</u>
60	10/31/03	Receipt of check for \$ 21,914.50
61	01/27/04	Receipt of check for \$ 59,003.89
62	01/27/04	Receipt of check for \$ 35,575.96
63	03/28/04	Receipt of check for \$ 56,488.50
64	03/29/04	Receipt of check for \$ 59,000.00
65	04/21/04	Receipt of check for \$ 39,000.00
66	05/20/04	Receipt of check for \$ 46,229.00

Each in violation of Title 18, United States Code, Section 1957 and 2.

COUNT 67 - FORFEITURE COUNT

As the result of committing one or more of the offenses involving (a) wire fraud in violation of Title 18, United States Code, Sections 1343 and 2, as alleged in Counts 17 through 32 of this Indictment; (b) bank fraud in violation of Title 18, United States Code, Sections 1343 and 2, as alleged in Counts 38 through 41; (c) money laundering in violation of Title 18, United States Code, Sections 1957 as alleged in Counts 60 through 66; or (d) conspiracy to commit wire fraud or bank fraud in violation of Title 18, United States Code, Section 371 as alleged in Counts 2 and 3, Defendant DONALD F. GREEN shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of those offenses, including but not limited to a 2002 Cadillac Escalade, VIN 1GYEK63N02R141993, and a 2005 Chrysler PT Cruiser, VIN 3C3EY55E75T344133, both registered to Brenda Green.

All in violation of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

COUNT 68 - FORFEITURE COUNT

As the result of committing one or more of the offenses involving (a) wire fraud in violation of Title 18, United States Code, Sections 1343 and 2, as alleged in Counts 17 through 28 of this Indictment; (b) money laundering in violation of Title 18, United States Code, Sections 1957 as alleged in Counts 56 through 59; or (c) conspiracy to commit wire fraud in violation of Title 18, United States Code, Section 371 as alleged in Count 2, Defendants ARYEH M. SCHOTTENSTEIN and JEFFREY M. LIEBERMAN, and each of them, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all

property, real and personal, that constitutes or is derived from proceeds traceable to the commission of those offenses.

All in violation of Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

A TRUE BILL.

s/
FOREPERSON

GREGORY G. LOCKHART
United States Attorney

s/
GARY L. SPARTIS
Deputy Criminal Chief